

## **PROCEEDINGS OF THE HISTORIC CONSERVATION BOARD**

**MONDAY, SEPTEMBER 25, 2000**

**3:00 P.M., J. MARTIN GRIESEL ROOM, CENTENNIAL PLAZA II**

The Historic Conservation Board met at 3:00 P.M., in the J. Martin Griesel Room, Centennial Plaza II, with the following members present: Messrs. Kreider, Raser and Senhauser; Mmes. Borys, Spraul-Schmidt, Sullebarger and Wallace. Members absent: Messrs. Bloomfield and Dale.

### **MINUTES**

The minutes of the May 8, 2000 meeting were approved as amended (motion by Sullebarger second by Raser); the minutes of the August 21, 2000 meeting were approved as amended (motion by Raser second by Sullebarger); the minutes of the September 11, 2000 meeting were approved as circulated (motion by Spraul-Schmidt second by Kreider).

### **CERTIFICATE OF APPROPRIATENESS, 1311-1313 VINE STREET, STOREFRONT DESIGN, OVER-THE-RHINE (SOUTH) HISTORIC DISTRICT**

[Mr. Kreider recused himself from this matter.]

Urban Conservator William Forwood presented the staff report on an application for a Certificate of Appropriateness for a new storefront on 1311 Vine Street. Plans for the renovation of 1311-1313 Vine for a nightclub, including demolition of part of the building, have come before the HCB several times in the last two years. The Board has approved the use of 1313 Vine as a nightclub and the demolition of a damaged interior portion of the building to provide a courtyard. Today's application addresses two conditions of the September 27, 1999 approval for expansion of the first floor nightclub use from 1313 Vine into the courtyard and storefront of 1311 Vine Street.

The following conditions have not yet been met:

- 1) the submission to the Board of an acceptable storefront plan, and
- 2) the removal of a banner sign from 1313.

Jim Ritter, project architect, was available to answer questions. Mr. Ritter displayed drawings of the rear of the building that is not visible from Vine Street and suggested that the first floor of that elevation be brick and the remainder vinyl siding. Staff recommended the entire wall be brick veneer to match the appearance of the original wall. In answer to a question by Mr. Raser, Mr. Forwood said almost everything below the brick course on the 1311 storefront is new except the metal pilasters and the side door.

Mr. Kevin DeMorest, the property owner, asked why the banner must be removed. Mr. Forwood explained that this was a condition placed by the Board on the approval for the present metal signage. Mr. Senhauser explained that banners are considered temporary signs and that the size of the approved steel sign plus the banner would be much greater than is permitted by the Zoning Code.

**BOARD ACTION**

With Mr. Kreider recusing himself, the Board voted unanimously (motion by Sullebarger second by Spraul-Schmidt) to approve the staff recommendation and approved a Certificate of Appropriateness for the rehabilitation of the storefront at 1311 Vine Street with the following conditions:

1. A full-light wood door be installed in the storefront entrance.
2. The banner sign and any other signs except the new chrome-letter sign be removed from 1313 Vine Street.
3. The rear elevation of 1311 Vine Street be faced entirely in brick.

[Ms. Borys joined the meeting]

**CERTIFICATE OF APPROPRIATENESS 225 WEST NINTH STREET, NINTH STREET  
HISTORIC DISTRICT**

Mr. Forwood presented the staff report on the application to rehabilitate the building, including replacing the existing 2/2 wood sash windows with 2/1 aluminum windows with an applied strap mullion. He explained that a parking lot directly behind the building exposes the rear of the building. Staff recommended that the existing wood windows on the front and rear façades be repaired or replaced in kind to match the existing. Other work was consistent with district guidelines.

The owner and the architect, Mr. Max Hoffmeyer and Mr. Charles Meyer, were present. In answer to Ms. Sullebarger, Mr. Meyer confirmed that any new masonry infill to an existing opening would have a shallow reveal.

Mr. Hoffmeyer said he had conducted a survey on the south side of Ninth Street between Plum and Elm Streets. He found that most of the existing windows are aluminum, double hung. He proposed installing aluminum, thermopane sash windows throughout; only a cut glass window over the front door will be saved. New windows on the front façade would be 1/1; side windows 2/2.

Mr. Kreider asked Mr. Hoffmeyer if he has compared the feasibility and cost of repairing the present windows (and fitting new storm windows) to replacing them. Mr. Hoffmeyer responded that, in his opinion, the current windows are so badly deteriorated that he has not considered repair. In response to Mr. Senhauser, Mr. Meyer said that other types of replacements such as wood windows or aluminum-clad wood windows that more nearly replicate the original windows had not been investigated, but he was certain that they would be prohibitively expensive.

In answer to Ms. Borys, Mr. Meyer said the front façade windows are in fairly good condition and would be the easiest to repair. Mr. Raser suggested that the cost of repairing the wood windows and fitting them with thermopane glazing might be less expensive than installing new, aluminum replacements.

Mr. Senhauser explained the difficulty the Board faces within the confines of the guidelines in approving an aluminum replacement that deviates in pattern, color, material, operation and profile from an existing double-hung window in a wooden frame. He said the Board takes into consideration cost, long-term maintenance and financial hardship.

Ms. Sullebarger suggested that, because the proposed windows differ in so many ways from what the guidelines allow, and no other alternatives have been considered, the Board table the motion until its next meeting to permit the owner and architect time to investigate alternative window solutions and present them to the Board. Mr. Senhauser said the Board would consider economic and design feasibility if other possible replacement schemes are presented for comparison.

#### **BOARD ACTION**

The Board voted unanimously (motion by Sullebarger second by Raser) to table the application for a Certificate of Appropriateness for the rehabilitation of 225 West Ninth Street until such time as the applicant returns to the Board with documentation on the feasibility and costs of repairing rather than replacing the existing windows and to identify a more appropriate replacement window that would have the appearance of the existing windows.

#### **CERTIFICATE OF APPROPRIATENESS AND PERMISSION TO DEVELOP IN THE EQ DISTRICT, 3730 SACHEM AVENUE, COLUMBIA-TUSCULUM HISTORIC DISTRICT**

Mr. Forwood presented the staff report on the application for a COA and EQ approval for 3730 Sachem Avenue. He summarized the applications and reviews that led to the present application. Initial foundation wall work had been approved in 1998 by the Historic Conservation staff, but subsequent amendments that year had been accepted by B&I as engineering changes and were not routed for historic review.

In December 1999 the owner processed engineering change for wooden railroad tie retaining walls in the front yard. During construction, the Urban Conservator and the Director of B&I received complaints about the work from neighbors. It was determined that the work should have been submitted for an EQ approval; the Director of B&I wrote the owner instructing her to secure an EQ approval for the then completed work.

The work includes a railroad tie wall retaining earth across the front of the property and along the eastern property line. As installed, the new work does not conform to the permit sketch plans.

Mr. Forwood emphasized that two related items were before the Board for review:

1. The issue of an EQ review for development in an EQ zone, both in the Hillside Development Guidelines and the Columbia-Tusculum Historic District.
2. The issue of the compatibility of the material and design of the retaining walls and the new foundation wall with the remainder of the building and the Columbia-Tusculum Historic District.

A pre-hearing was held on September 20, 2000; only the applicant and owner attended. Both applicant/contractor Robert Naber and Chip Eberle, spouse of the owner, were present to provide further information.

Chip Eberle, representing the owner, explained there was no intent to violate the guidelines for the district. He stated that both the owner and the contractor believed they were in compliance with all City requirements for this project. The retaining walls were an attempt

to improve the aesthetics of the house by providing a solid visual base; the material for the wall was changed from Allan Block to railroad ties because it looked better.

Garret Walker, owner of 3726 Sachem Avenue, spoke against the design of the retaining walls. He said he deplored the practice of doing work without a permit, then seeking approval after the fact.

John Van Volkenburgh of 3615 Morris Place spoke against the project on behalf of the Columbia-Tusculum Community Council. He made these points:

1. Permits were approved without appropriate review.
2. What was built was possibly not in compliance with the inappropriate permits.
3. Buildings & Inspections approved a Certificate of Occupancy while discussions relating to these various other items were underway.
4. It is clear that the work done to the house and the retaining walls is out of compliance with the local historic district guidelines.
5. He requested that the HCB direct staff pull together the Director of Buildings & Inspections, EQ reviewer, neighborhood representatives, the owner, the contractor and the City Solicitor to resolve this situation.
6. If the work done is in conformance with the permits issued, the City should bear some of the cost of bringing it into compliance with EQ and historic guidelines.
7. Citizens expect various City departments to communicate and work together so the City operates as a single entity.

Harlan Peck, 3753 Sachem Avenue, and Tedd Swurmstedt, 3757 Sachem, spoke in favor of the landscaping.

Mr. Kreider emphasized that the extent of railroad ties use in the retaining walls far exceeds what the engineering change contemplated.

#### **BOARD ACTION**

After discussion, the Board voted unanimously (motion by Kreider second by Raser) and took the following actions:

1. Found that the permit changes submitted in 1998, including the new walkway and the new front foundation wall with window and door openings should have been routed to the HCO for review by the HCB for a COA.
2. Found that the permit changes submitted in December 1999 for the railroad tie retaining walls should have been routed to the HCO for review by the HCB for conformance with EQ guidelines.
3. Found that the present configuration of railroad tie retaining walls is unlike any plan submitted for review and in size and number substantially exceeds that approved under the engineering change approved in 2000.
4. Denied a Certificate of Appropriateness for the railroad tie retaining walls and associated site work and for the new front foundation wall, finding that the work is inconsistent with the Columbia-Tusculum Historic District Guidelines.
5. Denied permission to develop in the EQ District, finding that the railroad tie retaining wall structure is incompatible with the natural landscape of the hillside and the historic district and is inconsistent with the design guidelines for the Columbia-Tusculum EQHS #5 and that granting relief to allow the accessory structures in the front yard of 3730

Sachem Avenue as built would not be in the public interest or to the benefit of the community.

6. Directed the Urban Conservator to forward to the City's Law Department notice of the Board's decision and instruct the Law Department to take whatever steps it deems necessary and appropriate to deal with this matter under the City's Historic District Legislation and City Zoning Code.
7. Directed the Urban Conservator to work with the Director of Buildings & Inspections Department to refer permits to the Planning Department as required.

**PRELIMINARY DESIGN REVIEW FOR LANDSCAPING AND PUBLIC STRUCTURES  
AT JACOB HOFFNER PARK, 4101 HAMILTON AVENUE, NORTHSIDE NBD  
HISTORIC DISTRICT**

Urban Conservator William Forwood introduced Douglas Fraser of the Park Board and explained that the Park Board has applied for a building permit for aboveground improvements to the park. Work included the construction of an open pavilion and kiosks and the installation of playground equipment, seating and other park furniture. Lighting and other details are identical to those installed along Hamilton Avenue as part of that street enhancement project. A portion of the park is in the Northside NBD Historic District.

Mr. Fraser displayed plans, elevations and photographs of the proposed park development, described plans for the park and answered questions from the Board. He indicated that the community has been involved in the development of the plans over the last few years and that the Northside Community Council has supported the project. The Park Board sought preliminary HCB approval of the plans in order to proceed with the project as scheduled; an application for a Certificate of Appropriateness will be presented at the next HCB meeting.

**BOARD ACTION**

No official action was required by the Board; however, the Board did recognize that the Park Board will likely pull building permits for foundation work (at its own risk) knowing with the Board must approve a COA at a later date.

**OTHER ISSUES**

Ms. Sullebarger informed the Board that on September 11, 2000 the Rev. Jordan applied for a permit for the demolition of the Walnut Hills Presbyterian Church at the corner of Gilbert Avenue and Taft Road. The Director of B&I is holding the permit for 29 days, the maximum permitted, to allow time to investigate possibilities for saving the building.

**ADJOURNMENT**

As there were no other items for consideration by the Board, the meeting adjourned.

---

William L. Forwood  
Urban Conservator

---

John C. Senhauser  
Chairman

---

Date